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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

9 In re:) Chapter 11 Proceedings
10 BCE WEST, L.P., et al.) Case Nos. B-98-12547-ECF-CGC through
11 Debtors.) 98-12570-ECF-CGC
12) (Joint Administration)
13 GERALD K. SMITH, Plan Trustee,)
14 Plaintiff,) Adversary No. 00-650
15 vs.)
16 BERRY PLASTICS)
17 CORPORATION,)
18 Defendant.)

**COMPLAINT TO AVOID
PREFERENTIAL TRANSFER**

19 Plaintiff, by and through his counsel undersigned, hereby states:

20 1. On or about October 5, 1998, Debtors filed petitions pursuant to Chapter 11 of the United
21 States Bankruptcy Code.

22 2. The Court entered an Order Confirming Debtors' Plan on May 15, 2000. (Docket #1795).

23 3. Plaintiff has been appointed the Plan Trustee by Court Order dated May 25, 2000.
24 (Docket #1823.)

25 4. This Court has jurisdiction over this adversary proceeding pursuant to 11 U.S.C. § 547 and
26 28 U.S.C. §§ 157(b)(2)(F) and (O).

FILED

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ELINE E. O'BRIEN
CLERK
U.S. BANKRUPTCY
DISTRICT OF ARIZONA

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